

Amendments to Senate Bill No. 482
1st Reading Copy

SENATE LOCAL GOVERNMENT

EXHIBIT NO. 1

DATE 2.20.09

BILL NO. SB482

Requested by Senator Dan McGee

For the Senate Local Government Committee

Prepared by Leanne Heisel
February 16, 2009 (1:15pm)

1. Title, line 9.

Following: "76-3-103,"

Insert: "76-3-207,"

2. Page 3.

Following: line 12

Insert: "Section 2. Section 76-3-207, MCA, is amended to read:

"76-3-207. Divisions of land exempted from review but subject to survey requirements and zoning regulations -- exceptions -- fees for examination of division. (1) Except as provided in subsection (2), unless the method of disposition is adopted for the purpose of evading this chapter, the following divisions of land are not subdivisions under this chapter but are subject to the surveying requirements of 76-3-401 for divisions of land not amounting to subdivisions and are subject to applicable zoning regulations adopted under Title 76, chapter 2:

(a) divisions made outside of platted subdivisions for the purpose of relocating common boundary lines between adjoining properties;

(b) divisions made outside of platted subdivisions for the purpose of a single gift or sale in each county to each member of the landowner's immediate family;

(c) divisions made outside of platted subdivisions by gift, sale, or agreement to buy and sell in which the parties to the transaction enter a covenant running with the land and revocable only by mutual consent of the governing body and the property owner that the divided land will be used exclusively for agricultural purposes;

(d) for five or fewer lots within a platted subdivision, relocation of common boundaries and the aggregation of lots; and

(e) divisions made for the purpose of relocating a common boundary line between a single lot within a platted subdivision and adjoining land outside a platted subdivision. A restriction or requirement on the original platted lot or original unplatted parcel continues to apply to those areas.

(2) Notwithstanding the provisions of subsection (1):

(a) within a platted subdivision filed with the county clerk and recorder, a division of lots that results in an increase in the number of lots or that redesigns or rearranges six or more lots must be reviewed and approved by the governing

body and an amended plat must be filed with the county clerk and recorder;

(b) a change in use of the land exempted under subsection (1)(c) for anything other than agricultural purposes subjects the division to the provisions of this chapter.

(3) (a) Subject to subsection (3)(b), a division of land may not be made under this section unless the county treasurer has certified that ~~all~~ no real property taxes and special assessments assessed and levied on the land to be divided ~~have been paid~~ are delinquent.

(b) (i) If a division of land includes centrally assessed property and the property taxes applicable to the division of land are not specifically identified in the tax assessment, the department of revenue shall prorate the taxes applicable to the land being divided on a reasonable basis. The owner of the centrally assessed property shall ensure that ~~the~~ no prorated real property taxes and special assessments are ~~paid~~ delinquent on the land being sold before the division of land is made.

(ii) The county treasurer may accept the amount of the tax prorated pursuant to this subsection (3)(b) as a partial payment of the total tax that is due.

(4) The governing body may examine a division of land to determine whether or not the requirements of this chapter apply to the division and may establish reasonable fees, not to exceed \$200, for the examination."

{ Internal References to 76-3-207:

x15-16-102 x76-3-301 x76-3-504 x76-3-609 }"

Renumber: subsequent sections

3. Page 3, line 19.

Strike: "all"

Insert: "no"

4. Page 3, line 20.

Strike: "not"

- END -